

Amendments to the Drawings:

Please replace the originally submitted drawings with the attached sheets which includes Figs. 1-9. The originally submitted drawings were in French. No new matter has been added.

Attachment: Replacement Sheets

REMARKS

Status of the Claims

Claims 1-5 and 11 are pending, with claim 1 being independent. Claim 2 is canceled herein without prejudice or disclaimer thereto. Applicants reserve the right to file at least one continuation application directed to any subject matter canceled by way of the present Amendment.

Claim 1 is amended herein, to include subject matter from claim 2. Claim 3 is amended to address claim dependency. Claim 1 is amended to remove reference to prevention. Support for the claim amendments can be found throughout the specification and claims as filed. As such, no new matter has been added.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Drawings

Corrected drawing sheets containing English language translations of the original French figures are attached herewith for the convenience of the Office. If anything further is required in this regard, Applicants would be pleased to comply.

Specification

The specification is objected to for reciting purportedly reciting unclear terms, such as “efficient” and “dispose”. Applicants submit that these terms are clear and should be given their plain meaning. For example, a search of issued patents on the U.S. Patent and Trademark Website showed about 565,979 instances of patents using this term. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

Claim 5 stands rejected as purportedly lacking enablement for the prevention of transplant rejection. Claim 1 is amended to remove reference to “prevention”. Accordingly, this rejection is moot.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as purportedly anticipated by Moore et al. (Osteoarthritis and Cartilage, Vol. 6, pages 19-23). Claim 2 is canceled herein without prejudice or disclaimer.

Independent claim 1 is directed to a method of treatment of transplant rejection by increasing the levels of a heme oxygenase enzyme in a human or animal subject comprising administering a therapeutically effective amount of rhein or rhein derivative. Moore is directed to osteoarthritis, which is not related to treatment of transplant rejection. Moore also fails to disclose any

increase in heme oxygenase enzyme levels and certainly fails to disclose that such an increase could treat transplant rejection.

Accordingly, Moore does not disclose all elements of the presently claimed invention. In light of the above, Applicants respectfully request that the rejections under 35 U.S.C. § 102 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-5 and 11 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Charbit in view of Häyry. Claims 1-5 and 11 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Moore in view of Charbit. Claim 2 is canceled herein without prejudice or disclaimer.

As noted above, the present claims are directed to the treatment of transplant rejection by increasing heme oxygenase levels.

Charbit discloses the treatment of osteoarthritis, by delaying the progression of the destruction of the joint cartilage. However, Charbit does not disclose the use of diacerein in the treatment of transplant rejection by increasing levels of the heme oxygenase enzyme. Häyry fails to remedy these deficiencies.

Claims 1-5 and 11 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over Moore in view of Charbit. Claim 2 is canceled herein without prejudice or disclaimer.

As noted above, the present claims are directed to the treatment of transplant rejection by increasing heme oxygenase levels. Moore does not

disclose treatment of transplant rejection, but instead is directed to osteoarthritis. Moore also fails to disclose or suggest an increase in heme oxygenase levels. As noted, Charbit also fails to disclose the present claims and accordingly does not remedy the deficiencies of Moore.

In light of the above, Applicants respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn.

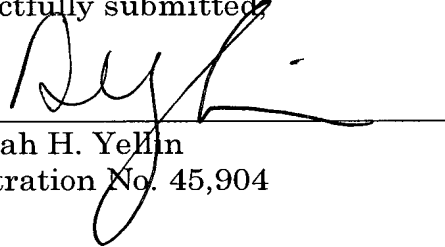
CONCLUSION

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #104004.B130117).

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Respectfully submitted,



Deborah H. Yellin
Registration No. 45,904

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

Attachments